

House Bill 1066 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32nd, Ehrhart of the 36th, O'Neal of the 146th, Cooper of the 41st, Brown of the 69th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of hazardous conditions, preventable diseases, and metabolic disorders, so as to change certain provisions relating to a system for screening newborns for certain metabolic and genetic disorders; to provide for the establishment of fees; to provide for religious objection to screening; to change certain provisions relating to screening for phenylketonuria, sickle cell anemia, and sickle cell trait; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of hazardous conditions, preventable diseases, and metabolic disorders, is amended by striking Code Section 31-12-6, relating to a system for prevention of mental retardation resulting inherited metabolic disorders, and inserting in lieu thereof the following:

"31-12-6.

(a) The department shall promulgate rules and regulations creating a system for the prevention of ~~mental retardation~~ serious illness, severe physical or developmental disability, and death caused by genetic conditions, such as phenylketonuria, galactosemia, tyrosinemia, homocystinuria, maple syrup urine disease, hypothyroidism, congenital adrenal hyperplasia, and such other inherited metabolic and genetic disorders as may be ~~determined~~ identified in the future to result in serious illness, severe physical or developmental disability, and death ~~cause mental retardation~~ if undiagnosed and untreated.

The system shall have five components: screening newborns for the disorders; retrieving potentially affected screenees back into the health care system; accomplishing specific diagnoses; initiating and continuing therapy; and assessing the program.

1 (b) The entire process for screening, retrieval, and diagnosis must occur within ~~the first~~
2 ~~three weeks of an infant's life~~ time frames established by the department pursuant to rules
3 and regulations, and the system shall be structured to meet this critical need.

4 (c) The department shall be responsible for the screening of all newborns for the ~~disorder~~
5 disorders enumerated and in a manner determined by the department pursuant to rules and
6 regulations and shall be responsible for assessment of the program.

7 (d) The department shall, to the extent state or federal funds are available for such
8 purposes, including but not limited to funds provided under Title V of the Social Security
9 Act, the Maternal and Child Health Services Block Grant, provide for retrieving potentially
10 affected screenees back into the health care system; accomplishing specific diagnoses;
11 initiating and continuing therapy; and assessing the program.

12 (e) ~~Because the rudiments of such a system already exist, the~~ The department shall utilize
13 appropriate existing resources whenever possible and shall cause the coordination and
14 cooperation of agencies and organizations having resources necessary for the creation of
15 an effective system.

16 (f) The department shall be authorized to establish and periodically adjust, by rule and
17 regulation, fees associated with the screening, retrieval, and diagnosis conducted pursuant
18 to this Code section to help defray or meet the costs incurred by the department. In no
19 event shall the fees exceed such costs, both direct and indirect, in providing such
20 screenings and related services, provided that no services shall be denied on the basis of
21 inability to pay. All fees paid thereunder shall be paid into the general fund of the State of
22 Georgia.

23 (g) The department shall allow any laboratory licensed in Georgia and authorized to
24 perform screening testing of newborn infants in any state using normal pediatric reference
25 ranges to conduct the analysis required pursuant to this Code section. The testing
26 performed by such laboratory must include testing for newborn diseases as required by law
27 or regulation and shall provide test results and reports consistent with law and with
28 policies, procedures, and regulations of the department.

29 (h) No later than January 1, 2007, the Georgia Department of Audits and Accounts shall
30 conduct an assessment evaluating the efficiency and effectiveness of the newborn
31 screenings conducted by the Georgia Public Health Laboratory pursuant to this Code
32 section. If it is determined that private laboratories can provide testing at a lower cost than
33 the Georgia Public Health Laboratory, the department shall issue a request for proposals
34 to qualified vendors including any private laboratory licensed in Georgia as established in
35 subsection (g) of this Code section. The Georgia Public Health Laboratory shall be eligible
36 to respond to such request for proposals.

(i) The requirements of this Code section with regard to screening, retrieval, and diagnosis shall not apply to any infant whose parents object in writing thereto on the grounds that such tests and treatment conflict with their religious tenets and practices."

SECTION 2.

Said chapter is further amended by striking Code Section 31-12-7, relating to rules and regulations regarding tests for phenylketonuria, sickle cell anemia, and sickle cell trait, and inserting in lieu thereof the following:

"31-12-7.

(a) In coordination and association with the system established by the department for the screening, retrieval, and diagnosis of certain metabolic and genetic disorders pursuant to Code Section 31-12-6, the The department, or its successor agency or department, shall adopt and promulgate appropriate rules and regulations governing tests for ~~phenylketonuria, sickle cell anemia, and sickle cell trait,~~ and other metabolic and genetic disorders as enumerated by the department pursuant to rules and regulations so that as nearly as possible all newborn infants who are susceptible or likely to have ~~phenylketonuria, sickle cell anemia, or sickle cell trait,~~ or other metabolic and genetic disorders shall receive a test for ~~phenylketonuria, sickle cell anemia, or sickle cell trait, or~~ other metabolic and genetic disorders or all of such conditions as soon after birth as successful testing and treatment therefor may be initiated; provided, however, that this Code section shall not apply to any infant whose parents object thereto on the grounds that such tests and treatment conflict with their religious tenets and practices.

(b) If any such child is found to have ~~phenylketonuria, sickle cell anemia; or sickle cell trait,~~ it shall be the duty of the examining physician or the department to inform the parents of such child that the child is so afflicted and, if such child has sickle cell anemia or sickle cell trait, that counseling regarding the nature of the disease, its effects, and its treatment is available without cost from the department and the county board of health or county department of health.

(c) It shall be the duty of the department and each county board of health and county department of health, or their successor agencies or departments, to furnish counseling and advice to any persons requesting such counseling regarding sickle cell anemia or sickle cell trait, its characteristics, symptoms, traits, effects, and treatment. Such counseling shall be furnished without cost to the person requesting it.

(d) The department shall be authorized to establish and periodically adjust, by rule and regulation, fees associated with the screening, retrieval, and diagnosis conducted pursuant to this Code section to help defray or meet the costs incurred by the department; provided,

1 however, that in no event shall the total fees associated with such screening, retrieval, and
2 diagnosis exceed \$40.00 for the calendar year beginning January 1, 2007. In no event shall
3 the fees exceed such costs, both direct and indirect, in providing such screenings and
4 related services, provided that no services shall be denied on the basis of inability to pay.
5 All fees paid thereunder shall be paid into the general fund of the State of Georgia."

6 **SECTION 3.**

7 This Act shall become effective on January 1, 2007.

8 **SECTION 4.**

9 All laws and parts of laws in conflict with this Act are repealed.